

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>484997 NJC</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/NZ03/00206</b>	International filing date (day/month/year) <b>15 September 2003</b>	(Earliest) Priority Date (day/month/year) <b>2 October 2002</b>
Applicant <b>FISHER &amp; PAYKEL HEALTHCARE LIMITED, et al</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 6 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☒ Unity of invention is lacking (See Box II).

4. With regard to the title, ☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract, ☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 2

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure

☐ because this figure better characterizes the invention

☐ None of the figures

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International application No.  
PCT/NZ03/00206

## Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos :  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☒ Claims Nos : 9-14, 20, 24-26  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:  
Claims 9-14, 20, 24-26 do not comply with article 17(2)(a) ii
  
3. ☐ Claims Nos :  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

## Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

Claims 1-8, 15 have a first special technical feature of a cord pulling a releasable connecting means to release a strap from the mask causing the mask to fall from the user's face.  
Claims 16-19, 21-23 have a second special technical feature of actuating a release mechanism between a securement and an engaging means to separate these two means.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

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International application No.  
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**Box III**      **TEXT OF THE ABSTRACT** (Continuation of item 5 of the first sheet)

Mask (2) and headgear (5) have quick release mechanism. In emergency, patient pulls release cord (14) causing mask to fall from face. Can be used for general respiratory care or with a ventilator. Can be used in aviation, mining or firefighting.

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# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/NZ03/00206

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>		
Int. Cl. <sup>7</sup> : A61M 16/06 A62B 9/04,18/08		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b>		
Minimum documentation searched (classification system followed by classification symbols)		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI + keywords: A61M-016/IC A62B/IC mask interface strap band releas disengag pull cord slid slip and similar terms		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5441046 A (STARR et al) 15 August 1995 Whole document	1-5, 15, 16
A	FR 2676652 A1 (GALLET S.A.) 27 November 1992 Figures	
A	EP 336834 B1 (INTERTECHNIQUE) 23 October 1991 Whole document	
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> See patent family annex		
<p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&amp;" document member of the same patent family</p>		
Date of the actual completion of the international search 30 October 2003		Date of mailing of the international search report 4 NOV 2003
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929		Authorized officer  Sue Thomas Telephone No : (02) 6283 2454

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# INTERNATIONAL SEARCH REPORT

International application No.

PCT/NZ03/00206

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 02/47749 A1 (RESMED LTD) 20 June 2002 Pages 9,10	
A	US 6422238 B1 (LITHGOW) 23 July 2002 Whole document	
A	US 6374826 B1 (GUNARATNAM et al ) 23 April 2002 Figures	

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Remark on Protest

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# INTERNATIONAL SEARCH REPORT

International application No.

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This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member	
US 6422238	AU 10024/00	EP 1020201	JP 2000254229
EP 0336834	FR 2629719	US 5003632	
FR 2676652	NIL		
US 6374826	AU 16811/02	EP 0956069	JP 200279520
	NZ 513052	US 6112746	US 2002005198
US 5441046	NIL		
US 2002047749	JP 2002134873		
US 2002078953	AU 28741/00	BR 0005011	CA 20000831
	EP 1071495	JP 2002537078	NZ 507519
	WO 0050122	WO 03033077	ZA 200005614
END OF ANNEX			